

State of California
Regional Water Quality Control Board
San Diego Region

Executive Officer Summary Report
November 12, 2003

ITEM: 17

SUBJECT: Waste Discharge Requirements: County of Orange, Prima Deshecha Landfill, Orange County: Tentative Order No. R9-2003-0306. (Amy Grove)

PURPOSE: Tentative Order No. R9-2003-0306 would, if adopted, supercede Order No. 89-102 and addenda thereto, delete the Prima Deshecha Landfill from General Order No. 93-86, and supercede Monitoring and Reporting Program No. 89-102.

PUBLIC NOTICE: A Public Notice of this agenda item was published in: (1) San Diego Union-Tribune on October 10, 2003; (2) North County Times on October 11, 2003; and (3) Orange County Register on October 9, 2003 (Attachment 11).

DISCUSSION: The Prima Deshecha Landfill is currently regulated under Order Nos. 89-102 (as amended by Order No. 93-86). Many of the findings, prohibitions, discharge specifications, provisions, reporting requirements and notifications of Order 89-102 need to be updated and revised. The tentative Order includes an increase in the lined acreage, permitted for the Zone 1 waste management unit, to a total of 271 acres of municipal solid waste fill area. The lateral expansion of the landfill includes an alternative liner design which meets the performance standards outlined in California Code of Regulations (CCR) Title 27. The alternative liner design is described in detail in the attached Staff Report (Attachment 8).

The Prima Deshecha Landfill is located an area of “rapid geologic change” (per CCR Title 27, § 20260(e)) and “unstable area” (per meaning of CFR Title 40, Pt. 258, § 258.15). The information to support the requisite regulatory findings may be found in the attached Staff Report (Attachment 8).

SIGNIFICANT CHANGES:

Tentative Order No. R9-2003-0306 (Attachment 2) updates Order Nos. 89-102 and 93-86, and includes specifications for erosion and drainage controls, landfill construction, slope stability, and an updated monitoring program. The monitoring and reporting program (Attachment 3) is significantly different as it incorporates both State (citations in Attachments 4, 5 and 6) and Federal requirements from Code of Federal Regulations (CFR) Title 40, Part 258 (citations in Attachment 7).

LEGAL CONCERNS:

The existing financial assurances for closure and post-closure maintenance do not provide the Regional Board with direct access to funds (Attachment 9), in the event the County of Orange is unable to complete closure or post-closure maintenance at the Prima Deshecha Landfill. To date, the County has provided only draft financial assurances to cover funding of Corrective Action for reasonably foreseeable releases from the Prima Deshecha Landfill (Attachment 10). The tentative Order requires the County to obtain and maintain acceptable financial assurances that provide the Regional Board with direct access to funding in the event that the County is unable or unwilling to complete its closure, post-closure maintenance or corrective actions at the Prima Deshecha Landfill. The required financial assurances are to be provided to the Regional Board within one year of the date the tentative Order is adopted by the Regional Board.

COMPLIANCE HISTORY:

On September 10, 2002 the Regional Board issued Order No. R9-2002-0301 to the County of Orange requiring technical information regarding slope stability of the Zone 1, Phase B expansion project area. The requested information was received the following October. On March 2, 2001 the Regional Board issued a Notice of Violation to the County of Orange for the following: (1) Failure to prevent illegal discharges/implement adequate BMPs; and (2) Failure to submit required information/notification. The County's response was the submittal of an Environmental Impact Report outlining various alternatives, including the modified preferred alternative for the realignment of the Prima Deshecha Cañada and the regrading of the stockpile area.

SUPPORTING DOCUMENTS:

1. Site map
2. Tentative Order No. R9-2003-0306
3. Tentative Monitoring and Reporting Program
R9-2003-0306
4. State Regulatory References- CCR Title 27
5. SWRCB Resolution 93-62 References
6. Statutory References
7. Federal Regulatory References- CFR Title 40
8. Staff Report
9. Existing Financial Assurances for Closure and
Post-closure of Prima Deshecha Landfill
10. Draft Financial Assurances for Corrective
Actions at Prima Deshecha Landfill
11. Public Notification

RECOMMENDATIONS:

Adoption of Tentative Order No. R9-2003-0306 is recommended.